

1
2
3
4
5
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
6
7
8

9 Jimmy Lee Eisenhour,

10 Petitioner,

11 v.

12 M. Gutierrez,

13 Respondent.
14

No. CV-23-00279-TUC-JCH

ORDER

15 On January 24, 2024, Magistrate Judge Maria S. Aguilera issued a Report and
16 Recommendation ("R&R"), recommending that the Court deny Petitioner Jimmy Lee
17 Eisenhour's petition for a writ of habeas corpus under 28 U.S.C. § 2241. Doc. 10. The R&R
18 notified the parties they had fourteen (14) days from the date of the R&R to file any
19 objections. *Id.* at 3. No objections have been filed.

20 If no objections are filed, the district judge is not required to review the magistrate
21 judge's R&R under any specified standard of review. *Thomas v. Arn*, 474 U.S. 140, 150
22 (1985). However, the district judge may conduct further review, "sua sponte or at the
23 request of a party, under a de novo or any other standard." *Id.* at 154.

24 The Court has reviewed and considered the Petition (Doc. 1), Warden Gutierrez's
25 Response and exhibits (Doc. 7), and the Magistrate's R&R (Doc. 10). The Court finds the
26 R&R is well-reasoned and adopts Magistrate Judge Aguilera's findings and conclusions.

27 The Court need not issue a certificate of appealability in this matter. *See Harrison*
28 *v. Ollison*, 519 F.3d 952, 958 (9th Cir. 2008) (finding a § 2241 habeas does not require a

1 certificate of appealability "unless the section 2241 petition is a section 2255 petition in
2 disguise").

3 Accordingly, **IT IS ORDERED:**

- 4 1. **ADOPTING** the R&R (Doc. 10); and
5 2. **DENYING** Petitioner Eisenhour's Petition for a Writ of Habeas Corpus under
6 28 U.S.C. § 2241 (Doc. 1.) and **DISMISSING** this matter. The Clerk of Court shall
7 docket this matter accordingly.

8 Dated this 1st day of March, 2024.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

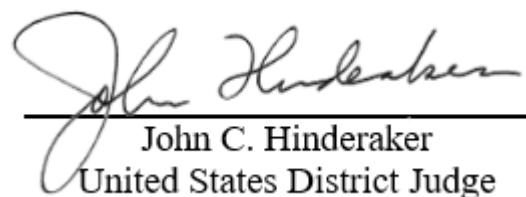
24

25

26

27

28



John C. Hinderaker
United States District Judge